

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

In re:

RUSTIC STEEL CREATIONS, INC.

Debtor.

Case No: 8:19-bk-4467-CED

Chapter 11

DEBTOR'S OMNIBUS OBJECTION TO SCHEDULED CLAIMS

NOTICE OF OPPORTUNITY TO OBJECT AND FOR HEARING

Pursuant to Local Rule 2002-4, the Court will consider the relief requested in this paper without further notice or hearing unless a party in interest files a response within **thirty (30) days** from the date set forth on the attached proof of service, plus an additional three days for service, if any party was served by U.S. Mail. You should read these papers carefully and discuss them with your attorney, if you have one. If the paper is an objection to your claim in the bankruptcy case, your claim may be reduced, modified, or eliminated.

If you object to the relief requested in this paper, you must file your response with the Clerk of the Court at **Sam M. Gibbons U.S. Courthouse, 801 N. Florida Avenue, Tampa, Florida 33602, and serve a copy on the movant's attorney, Daniel E. Etlinger, Jennis Law Firm, 606 E. Madison Street, Tampa, Florida 33602 and any other appropriate persons** within the time allowed. If you file and serve a response within the time permitted, the Court may schedule and notify you of a hearing, or consider the response and grant or deny the relief requested without a hearing.

If you do not file a response within the time permitted, the Court will consider that you do not oppose the relief requested in the paper, will proceed to consider the paper without further notice or hearing, and may grant the relief requested.

NOTICE TO CLAIMANTS

This notice is given in accordance with Bankruptcy Rule 3007(e)(1). If the name of your company appears on the chart found on the attachment, the Debtor has objected to a claim that was listed by the Debtor in its schedules filed in the bankruptcy case. Please carefully review the chart to locate your claim and the amounts being objected to herein.

Rustic Steel Creations, Inc. (“Debtor”), by counsel and pursuant to Rule 3007(e) of the Federal Rule of Bankruptcy Procedures, hereby objects to the following scheduled claims, as these claims have been satisfied in accordance with an order entered by the Court or in the ordinary course of business. In support of this objection (the “Objection”), the Debtor states as follows:

1. On May 10, 2019, the Debtor filed a *Voluntary Petition for Non-Individuals Filing for Bankruptcy* (Doc. No. 1) (the “Petition”) for relief under chapter 11 of the Bankruptcy Code on May 10, 2019 (the “Petition Date”).

2. No trustee or examiner has been appointed in this case.

3. During the pendency of this chapter 11 case, the Court authorized the payment of a number of creditors on account of prepetition claims through various orders including the following:

a. **Utility Order:** On May 20, 2019, the Court entered an *Order Conditionally Approving Debtor’s Motion for Order Pursuant to 11 U.S.C. §§ 105 and 366 (I) Prohibiting Utilities From Altering, Refusing, or Discontinuing Services on Account of Pre-Petition Invoices, (II) Approving Proposed Form of Adequate Assurance of Payment, and (III) Establishing Procedure for Determining Requests for Additional Assurance of Payment* (Doc. No. 19) (the “Utilities Order”), authorizing the Debtor to pay any undisputed pre-petition utility expenses, among other things.

b. **Wages Order:** On May 29, 2019, the Court entered an *Order Granting Debtor’s Expedited Motion for Authorization to Pay Pre-Petition Wages and Salaries to Non-Insider Employees* (Doc. No. 24) (the “Wages Order”), authorizing the Debtor to pay employees pre-petition wages.

4. Furthermore, the Debtor had payments in transit between the drafting of the schedules and filing the Petition or made payments immediately following the *Order Authorizing Debtor-In-Possession to Operate Business* (Doc. No. 2) which it believed were authorized.

5. All of these payments have been disclosed on the Debtor’s operating reports.

6. A review of the Debtor's books and records reflect that the following unsecured claims, scheduled on Schedule E and Schedule F, have been fully or partially paid, either in the ordinary course of business, were paid between the drafting of the schedules and the filing of the Petition, or after the Petition Date in accordance with the Bankruptcy Code, applicable rules, and court orders.

7. Accordingly, the Debtor respectfully requests that the Court enter an order sustaining this Objection to the claims as listed above and disallowing the scheduled claims in their entirety, or to the extent the scheduled claims have been satisfied.

8. To the extent any payments were not authorized given the makeup of the creditor body and the amounts involved the Debtor does not believe recovery is likely.

9. To the extent any claim is not disallowed in connection with this Objection, the Debtor reserves the right to object to any or all of those claims on alternative grounds.

WHEREFORE, the Debtor respectfully requests the entry of an order (i) sustaining this omnibus objection, (ii) disallowing the above listed scheduled claims in their entirety, or to the extent such claims have been satisfied, and (iii) granting such other and further relief as the Court deems appropriate.

DATED this 10th day of January, 2020.

/s/ Daniel E. Etlinger
David S. Jennis
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Daniel E. Etlinger
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Counsel for Debtor

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via CM/ECF electronic service to the **United States Trustee**, 501 East Polk Street, Timber Lake Annex, Suite 1200, Tampa, Florida 33602; to those parties receiving notice via CM/ECF in the ordinary course of business; and via US Mail, postage prepaid on January 10, 2020 to:

- Bertetto, Christopher, 3919 N. Highland Avenue, Tampa, FL 33603;
- Blue Grace Logistics, Dept. 108, PO Box 4964, Houston, TX 77210;
- Caldwell, Steven, 3919 N. Highland Avenue, Tampa, FL 33603;
- Candy Coated Customs, 2515 71st Street N., Building A, Tampa, FL 33603;
- City of Tampa Utilities, PO Box 30191, Tampa, FL 33630;
- Colonia Life Insurance, PO Box 1365, Columbia SC 29202;
- FDOT Turnpike Enterprise, PO Box 613069, Ocoee, FL 34761;
- Foremost Insurance Group, PO Box 0915, Carol Stream, IL 60132;
- GG Markers, PO Box 47625, Tampa, FL 33646;
- Godines, Nashely, 3919 N. Highland Avenue, Tampa, FL 33603;
- Internal Revenue Service, Attn. Mary Freeland, Bankruptcy Specialist, 801 Broadway M/S MDP 146, Nashville, TN 37203;
- Internal Revenue Service, PO Box 7346, Philadelphia, PA 19101-7346;
- United States Department of Justice, PO Box 14198, Washington DC 20044;
- Internal Revenue Service, c/o Office of the U.S. Attorney, Attn: Civil Process Clerk, 400 N. Tampa Street, Suite 3200, Tampa, FL 33602;
- Lease Finance Group, LLC, 419 East Main Street, Middletown, NY 10940;
- Mejia, Jorge, 3919 N. Highland Avenue, Tampa, FL 33603;
- Morris, Brian, 3919 N. Highland Avenue, Tampa, FL 33603;
- Phillips, Jessica, 3919 N. Highland Avenue, Tampa, FL 33603;
- Paycor, 3000 Bayport Drive, Suite 750, Tampa, FL 33607;
- Prime Rate Finance Corp, PO Box 580016, Charlotte, NC 28258;
- Railroad & Industrial Credit Union, 3710 N. 50th Street, Tampa, FL 33619;
- Sherwin-Williams Co., 4835 W. Hillsborough Avenue, Tampa, FL 33614;
- Spectrum Business, PO Box 31710, Tampa, FL 33631;
- Swann Transportation Services, 722 WSW Loop 232, Suite 200, Tyler, TX 75701;
- Tampa Steel Supply, 1301 N. 26th Street, Tampa, FL 33605;
- Tampa Well Drilling, Inc., 12704 N. Nebraska Avenue, Tampa, FL 33612;
- Truly Nolan, 4842 N. Florida Avenue, Tampa, FL 33603;
- Universal Canvas Hyde Park Awning, 916 East 109th Avenue, Tampa, FL 33612;
- Velez, Ethan, 3919 N. Highland Avenue, Tampa, FL 33603;
- Verizon, PO Box 660108, Dallas, TX 75266;
- Walker, Scott, 3919 N. Highland Avenue, Tampa, FL 33603; and
- Yoursip Telecom, 402 Tampa Road, Palm Harbor, FL 34683.

/s/ Daniel E. Etlinger

Daniel E. Etlinger

CREDITOR	NATURE OF CLAIM	SCHEDULED AMOUNT	BALANCE OF CLAIM OWED	BASIS FOR OBJECTION
Bertetto, Christopher	Wages	\$458.24	\$0.00	Paid Pursuant to Wages Order
Blue Grace Logistics	Trade Payable	\$269.16 ¹	\$0.00	Paid Pursuant to DIP Order
Caldwell, Steven	Wages	\$165.75	\$0.00	Paid Pursuant to Wages Order
Candy Coated Customs	Trade Payable	\$200.00	\$0.00	Paid Pursuant to DIP Order
Colonial Life Insurance	Insurance	\$590.88	\$0.00	Paid Pursuant to DIP Order
FDOT Turnpike Enterprise	Trade Payable	\$34.68	\$0.00	Paid Pursuant to DIP Order
Foremost Insurance Group	Insurance	\$2,658.50	\$0.00	Paid Pursuant to DIP Order
GG Markers	Trade Payable	\$520.00	\$0.00	Paid Pursuant to DIP Order
Godines, Nashely	Wages	\$320.00	\$0.00	Paid Pursuant to Wages Order
IRS	Tax Lien	\$47,213.96	\$29,492.82	Paid Pursuant to DIP Order
Jassa Ventures	Trade Payable	\$425.25	\$0.00	No Balance on Petition Date
Lease Finance Group, LLC	Trade Payable	\$85.09	\$0.00	Paid Pursuant to DIP Order
Mancini, Michelle	Trade Payable	\$1,610.96	\$0.00	No Balance on Petition Date
Mead Industrial Coatings	Trade Payable	\$343.02	\$0.00	No Balance on Petition Date
Mejia, Jorge	Wages	\$390.00	\$0.00	Paid Pursuant to Wages Order
Morris, Brian	Wages	\$456.00	\$0.00	Paid Pursuant to Wages Order
Notice to Owner	Trade Payable	\$48.60	\$0.00	No Balance on Petition Date
Paycor	Trade Payable	\$196.75	\$0.00	Paid Pursuant to DIP Order
Phillips, Jessica	Wages	\$316.00	\$0.00	Paid Pursuant to Wages

¹ Amount owed on the Petition Date was \$113.02.

				Order
Prime Rate Finance Corp.	Insurance	\$988.47	\$0.00	Paid Pursuant to DIP Order
Propane Ninja	Trade Payable	\$105.93	\$26.85	Incorrect Amount Scheduled
Railroad & Industrial Credit Union	Trade Payable	\$200.00	\$0.00	Paid Pursuant to DIP Order
Sherwin-Williams Co.	Trade Payable	\$17.89	\$0.00	Paid Pursuant to DIP Order
Spectrum Business	Utilities	\$126.85	\$0.00	Paid Pursuant to Utilities Order
Stewart Stainless Supply, Inc.	Trade Payable	\$156.15	\$0.00	No Balance on Petition Date
Sunpass	Trade Payable	\$143.53	\$0.00	No Balance on Petition Date
Swann Transportation Services	Trade Payable	\$988.00	\$0.00	No Balance on Petition Date
Tampa Steel Supply	Trade Payable	\$45.50	\$0.00	No Balance on Petition Date
Tampa Well Drilling, Inc.	Trade Payable	\$878.06	\$0.00	Paid Prior to Petition Date
Truly Nolen	Trade Payable	\$91.08	\$0.00	No Balance on Petition Date
Universal Canvas Hyde Park Awning	Trade Payable	\$700.00	\$0.00	No Balance on Petition Date
Velez, Ethan	Wages	\$190.00	\$0.00	Paid Pursuant to Wages Order
Verizon	Utilities	\$462.06	\$0.00	Paid Pursuant to Utilities Order
Walker, Scott	Wages	\$399.00	\$0.00	Paid Pursuant to Wages Order
Yoursip Telecom	Utilities	\$160.71	\$0.00	Paid Pursuant to Utilities Order